REMARKS

In the Office Action, the Examiner rejected claims 1-11, 15-21, 24-27, 31-35, 37-53, 55 and 56. The Examiner also reinstated claim 38 (previously withdrawn) and withdrew claims 12-14 and 28-30 from consideration as being drawn to the non-elected invention of Figure 8. Accordingly, claims 12-14, 20, 22, 23, 28-30, 36 and 54 are currently withdrawn from consideration. By this Response, Applicants amended independent claims 1, 17, 31, 43, and 49 and dependent claims 10, 44-46, and 53-56, and added new claims 57-65. These amendments and new claims do not add any new matter and are believed to clarify certain features of the instant claims. The Applicants also cancelled claim 48 without prejudice to expedite allowance of the present application. In view of the foregoing amendments and following remarks, the Applicants respectfully request reconsideration and allowance of the present application.

Election/Restrictions

As noted above, the Examiner unilaterally withdrew additional claims based on the election of species requirement set forth in the Office Action mailed May 29, 2003. After careful review of the Examiner's restriction requirement, the Applicants respectfully traverse. Applicants remind the Examiner that 37 C.F.R. (Rev. July 1, 2004) § 1.141(a) clearly states:

> Two or more independent and distinct inventions may not be claimed in one national application, except that *more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application*, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim. (emphasis added).

In view of Rule 141, the Applicants believe that the Examiner should examine all of the withdrawn claims, because these different species *do not exceed a reasonable number*. Alternatively, if the Examiner maintains the foregoing withdrawal of claims 12-14 and

28-30, then Applicants believe that the existing generic claims (as amended) are allowable over the cited references and, thus, the Applicants respectfully request consideration of these withdrawn claims upon allowance of the generic claims.

Objection to the Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly failing to show the load distribution feature of claim 48. Although Applicants do not necessarily agree with the Examiner's objection, the Applicants cancelled claim 48 to expedite allowance of the present application. Accordingly, the Applicants respectfully request the Examiner withdraw the objection to the drawings.

Objection to the Specification

In the Office Action, the Examiner objected to the specification for two reasons. First, the Examiner objected to the terms SLE and MultiLink in the background section of the present application. Although Applicants do not necessarily agree with the Examiner's objection, the Applicants amended the specification to delete these terms as set forth above. In view of this amendment, the Applicants respectfully request the Examiner withdraw this objection to the specification.

Second, the Examiner objected to the language of claims 43-46 as not having antecedent basis in the specification. Specifically, the Examiner asserted that the claim feature of "hydraulically and springably" lacks antecedent basis in the specification. Although Applicants do not necessarily agree with the Examiner's objection, the Applicants amended the claims to clarify the subject matter of these claims. In view of these amendments, the Applicants respectfully request the Examiner withdraw this objection to the specification.

Claim Objections

In the Office Action, the Examiner objected to claim 10 as reciting "piston cylinder" rather than "piston assembly." Applicants agree with the Examiner regarding this inconsistency, and have amended claim 10 above to recite "piston assembly." In view of this amendment, the Applicants respectfully request the Examiner withdraw the objection to the claims.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 1-11, 15-19, 21, 24-27, 43-53, 55 and 56 under 35 U.S.C. § 112, First Paragraph for failing to comply with the written description requirement. The Applicants respectfully traverse this rejection.

First, the Examiner stated: "In claim 49 there is no support in the specification for the spring assembly 'disposed about' the piston assembly." Office Action mailed August 12, 2004; Page 5. The Examiner continued by stating: "The spring assembly is located within the piston assembly." *Id.* The Applicants respectfully submit that the Examiner has misinterpreted the claim language. Claim 49 recites, *inter alia*, "providing a plurality of *piston-cylinder assemblies*, each comprising multiple chambers and at least one spring assembly disposed about a piston assembly." (Emphasis added). In view of the emphasized claim language, the Applicants submit that the "spring assembly disposed about a piston assembly" is part of one of the claimed "piston-cylinder assemblies," as recited in claim 49. (Emphasis added). This claim feature clearly has support in the specification. For example, the Applicants direct the Examiner to Figures 9-11 of the present application. For these reasons, the Applicants respectfully request the Examiner withdraw the foregoing rejection of claim 49 under 35 U.S.C. § 112, First Paragraph.

Second, the Examiner rejected claims 1, 17, 43, and 49 for their recitation of independent or separate shock absorption. The Examiner specifically stated:

> Claims 1, 17 and 49 recite "independent from shock absorption". Claim 43 recites "separate from absorbing shock". It is the Examiner's position that the disclosed invention would inherently absorb shock and the Applicant has not provided sufficient disclosure to explain how shock absorption would be avoided. For instance, each of the intermediate chambers with the spring assemblies would work to absorb shock.

Office Action mailed August 12, 2004; Page 5. Although the Applicants respectfully traverse the Examiner's arguments, the Applicants have cancelled this subject matter from the instant claims. As indicated in the amended claims above, the Applicants have opted to clarify the instant claims in another manner. In view of these amendments, the Applicants respectfully request the Examiner withdraw the foregoing rejection of claims 1, 17, 43, and 49 under 35 U.S.C. § 112, First Paragraph.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-11, 15-19, 21, 24-27, 43-53, 55, and 56 under 35 U.S.C. § 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner rejected claims 1, 17, 43, and 49 for their recitation of independent or separate shock absorption. Office Action mailed August 12, 2004; Page 5. Again, although the Applicants respectfully traverse the Examiner's arguments, the Applicants have cancelled this subject matter from the instant claims. In view of these amendments, the Applicants respectfully request the Examiner withdraw the foregoing rejection of claims 1, 17, 43, and 49 under 35 U.S.C. § 112, Second Paragraph.

Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected independent claims 1-11, 15-19, 21, 24-27, 31-35, 37-53, 55 and 56 under 35 U.S.C. § 102(b) as anticipated by Lund (U.S. Patent No. 5,087,073). Applicants respectfully traverse these rejections.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Claim Features of Independent Claims 1, 31, and 43 Missing from Lund

Turning to the claims, independent claim 1 recites, *inter alia*, "the first and second piston-cylinder assemblies are configured *to stabilize* first and second movable suspension members *without active control*." Similarly, independent claim 31 recites, *inter alia*, "fluidly intercoupling chambers from the plurality of piston-cylinder assemblies, *without active control* between the chambers, *to provide stabilization* between the plurality of movable suspension members." Similarly, independent claim 43 recites, *inter alia*, "hydraulically and springably moving, *without active control*, a plurality of piston-cylinder assemblies *to cross-balance orientations* of a plurality of suspension members in response to a load exerted on a first member of the plurality of suspension members."

Turning to the cited reference, Lund does dot teach stabilization or cross-balancing "without active control," as recited by independent claims 1, 31, and 43. In sharp contrast, Lund discloses a "hydraulic circuit is connected to conduct the pressurizing potential to move the pistons." Lund, Abstract. More specifically, Lund teaches a hydraulic signal generator including a hydraulic pump 30, a solenoid-operated hydraulic spool valve 35 (e.g., electrically actuated) coupled to the pump 30, a pair of relays 133 and 135 to engage the valve 35, and a pair of turn direction sensors 130 and 132 to trigger the relays 133 and 135. *See* Lund, Figures 1 and 2; Abstract; Col. 3, lines 65-67; Col. 4, lines 3-14; Col. 5, lines 22-44 and 65-68. Altogether, these features of Lund provide active control of the cylinder and piston assemblies 70, 80, 90, and 100. *See id.* In other words, the system of Lund *actively responds* to the position sensed by the turn direction sensors 130 and 132, thereby *actively controlling* hydraulic movement of the cylinder and piston assemblies 70, 80, 90, and 100 via interaction between the relays 133 and 135, the valve 35, and the hydraulic signal generator having the hydraulic pump 30. *See id.* For these reasons, the Lund reference fails to teach or suggest each and every feature of independent claims 1, 31, and 43.

The Lund reference also fails to teach or suggest the unique features recited in the claims depending from amended independent claims 1, 31, and 43. Accordingly, the foregoing dependent claims are believed to be patentably distinct over the Lund reference for the reasons provided above and also for additional unique features recited in the subject claims.

In view of the foregoing deficiencies, the Applicants respectfully request that the Examiner withdraw the outstanding rejections of independent claims 1, 31, and 43 and their dependent claims under 35 U.S.C. § 102(b).

Claim Features of Independent Claims 17 and 49 Missing from Lund

Turning to the other claims, independent claim 17 recites, *inter alia*, "multiple sets of the variable chambers are passively fluidly coupled *to distribute forces* between the movable suspension members." Similarly, independent claim 49 recites, *inter alia*, "passively intercoupling chambers of the plurality of piston-cylinder assemblies *to provide crosswise stabilization, without pumping assistance*, between vehicle suspension members connectable to the plurality of piston-cylinder assemblies."

Lund absolutely fails to teach or suggest "variable chambers are passively fluidly coupled" or "passively intercoupling chambers," as recited above. In sharp contrast, Lund discloses a variety of active (not passive) interconnections between the cylinder and piston assemblies 70, 80, 90, and 100. *See* Lund, Figures 1 and 2; Abstract; Col. 3, lines 65-67; Col. 4, lines 3-14; Col. 5, lines 22-44 and 65-68. For example, as illustrated in Figures 1 and 2, the hydraulic lines are actively coupled to the hydraulic pump 30 and the solenoid-operated hydraulic spool valve 35, among other control features. *See id.* The Lund reference further discloses:

> In operation, correction is introduced into the system any time the valve 35 is actuated in response to a change of steering angle from a neutral position. Thus, the correction "leads" or "anticipates" slightly the roll of the vehicle.

Lund, Col. 7, lines 4-8. In view of this passage, the Applicants emphasize that the cylinder and piston assemblies 70, 80, 90, and 100 of Lund are clearly coupled in an active (not passive) manner to anticipate the roll of the vehicle. *See id.* For these reasons, the Lund reference fails to teach or suggest each and every feature of independent claims 17 and 49.

The Lund reference also fails to teach or suggest the unique features recited in the claims depending from amended independent claims 17 and 49. Accordingly, the foregoing dependent claims are believed to be patentably distinct over the Lund reference

for the reasons provided above and also for additional unique features recited in the subject claims.

In view of the foregoing deficiencies, the Applicants respectfully request that the Examiner withdraw the outstanding rejections of independent claims 17 and 49 and their dependent claims under 35 U.S.C. § 102(b).

New Claims

As noted above, the Applicants added new claims 57-65 to clarify certain features of the present technique. These claims are believed to be allowable over the cited references for a number of reasons.

For example, dependent claim 57 recites "the first and second piston-cylinder assemblies comprise a working medium that is moved through the first and second conduits *only in response to loads* on the first and second movable suspension members." In contrast, the cylinder and piston assemblies 70, 80, 90, and 100 of Lund *respond* to the position *sensed* by the turn direction sensors 130 and 132. *See* Lund, Figures 1 and 2; Abstract; Col. 3, lines 65-67; Col. 4, lines 3-14; Col. 5, lines 22-44 and 65-68. As a result, Lund clearly fails to teach or suggest this claim feature.

By further example, dependent claim 59 recites "a working medium that is moved between the plurality of piston-cylinder assemblies *without assistance by a pump*." Moreover, dependent claim 60 recites "a working medium that is moved between the plurality of piston-cylinder assemblies *without external feedback influence*." Similarly, the new independent claim 61 recites, *inter alia*, "the system is configured to stabilize the first and second suspension members *without external feedback influence* on the passage of a working medium passing through the first or second conduits." The new dependent claim 63 recites "the first and second conduits are configured to exchange the working

medium *passively* between the first and second cylinders *without a pump or electronic control.*" In sharp contrast to these claim features, the system of Lund uses the hydraulic *pump 30* to transfer fluid through the lines based on external feedback from the *sensors 130 and 132. See* Lund, Figures 1 and 2; Abstract; Col. 3, lines 65-67; Col. 4, lines 3-14; Col. 5, lines 22-44 and 65-68. As a result, Lund clearly fails to teach or suggest these claim features.

In addition, dependent claim 62 recites "the first and second conduits *consist essentially* of *substantially continuous conduits.*" Regarding claim interpretation, the transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps and those that do not materially affect the basic and novel characteristic(s) of the claimed invention. *In re Herz*, 537 F.2d 549, 551-552, 190 U.S.P.Q. 461, 463 (C.C.P.A. 1976)(emphasis in original). Further, when a *transitional phrase appears in a clause* of the body of a claim, rather than immediately following the preamble, it *limits only the element set forth in that clause*; other elements are not excluded from the claim as a whole. *See Mannesmann Demag Corp. v. Engineered Metal Products Co.*, 793 F.2d 1279, 230 U.S.P.Q. 45 (Fed. Cir. 1986) (regarding use of the phrase "consists of"). Again, Lund have other features, i.e., the valve 35 and the hydraulic pump 30, which *interrupt* the continuity of the lines and which materially affect their operation. As a result, Lund clearly fails to teach or suggest this claim feature.

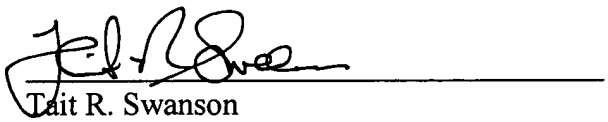
In view of these differences among others, the Applicants respectfully stress that these new claims are in condition for allowance.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: November 5, 2004



Tait R. Swanson
Registration No. 48,226
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545